IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1323 of 2005

Between:

1. V. Subba Raju S/o Krisham Raju
   R/o Door No. 3-292, Adarshanagar, Old Dairy Farm, Visakhapatnam
2. G. Nagachandra Reddi S/o Satyanarayana Reddy
   Ratna Residency, Pothulamallayyapalem, Visakhapatnam
3. T. Venkata Reddy S/o Late Sathi Reddy
   Ravulapalem Road, Door NO. 7-18, Visakhapatnam

..... PETITIONERS

AND

1. The Joint Collector, Visakhapatnam
2. The Revenue Divisional Officer, Visakhapatnam
3. The Mandal Revenue Officer, Madhurawada Mandal, Madhurawada,

Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of *Writ of Mandamus* declaring the action of the respondents in demarcating the petitioners plots as Government land and taking possession of the plots bearing Nos. 44,56 and 33 of Bank Employees Housing Colony of Madhurawada Village, without following procedure, is arbitrary, illegal, violative of Art. 300 and 14 of the Constitution of India, against principles of natural justice, consequently direct the respondents not to interfere with the physical possession of the plots of the petitioners in the interest of justice.

Counsel for the Petitioner: MR.KURITIBHASKARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

The petitioners claim to be the owners and possessors of plot Nos.44, 56 and 33 situated in Sy.No.7/1, 7/5, 7/8 and 7/9 of Bank employees Housing Colony, Madhurawada village, Visakhapatnam. This writ petition is filed alleging that the respondents have been interfering with the possession of the petitioners in respect of the said land without there being any justifiable reason and therefore, seeking a Writ of Mandamus declaring the action of the respondents in demarcating the plots as Government lands and attempting to take the possession of the same, as illegal and arbitrary.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents, without expressing any opinion with regard to the ownership claimed by the petitioners, the writ petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioners in respect of the land in question, without following due process of law.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

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(G. ROHINI,J)

Date: 02.02.2005

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Joint Collector, Visakhapatnam
2. The Revenue Divisional Officer, Visakhapatnam
3. The Mandal Revenue Officer, Madhurawada Mandal, Madhurawada,

Visakhapatnam

4 Two C. Cs to G.P. for Revenue, High Court Buildings,

Hyderabad (OUT).

5.Two C.D. Copies.

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